



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,354	04/02/2001	Howard Anthony Barnes	C7547(C)	7177

7590 12/09/2004

JohnsonDiversey, Inc.
8310 16th Street-M/S 509
P.O. Bpx 902
Sturtevant, WI 53177

EXAMINEE

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
----------	--------------

3752

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. The amendment filed on August 30, 2004 presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the limitation "removing soil from hard surfaces" can only be readable on the newly presented claims. Applicant elected the "method of generating a water spray" in response to the election requirement mailed on October 2, 2002. See response filed November 6, 2002. The amendment filed August 30, 2004 presents a "method of removing soil from hard surfaces". The two methods are patentably distinct for the following reason.

2. Inventions "method of generating a water spray" and "method of removing soil from hard surfaces" are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention "method of generating a water spray" has separate utility such as providing a cooling spray. See MPEP § 806.05(d).

3. Although the body of claims 1 and 3 do not provide limitations direct to the "method of *removing soil from hard surfaces*," (italics added) based on applicant's argument that such recitation now distinguishes the claims from the prior art, the preamble of the claims have been considered to breath life and meaning into the claims further evidencing patentable distinction and proper restriction.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS,

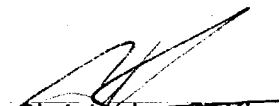
Art Unit: 3752

whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (703) 308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher S. Kim
Primary Examiner
Art Unit 3752

CK